

DEVELOPMENT REVIEW COMMITTEE –May 19, 2020
CONDITIONS OF APPROVAL

49 & 51 N. Santa Cruz Avenue
Conditional Use Permit Application U-20-004

Requesting approval of modifications to an existing Conditional Use Permit including expanded hours of operation for a restaurant with alcohol service (Gardino Fresco) on property zoned C-2. APN 510-44-030.

PROPERTY OWNER: Joann M. White Trustee & ET AL

APPLICANT: Pete Jillo

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the development plans noted as received by the Town on May 25, 2011. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development, the Development Review Committee, the Planning Commission, or the Town Council depending on the scope of the change(s).
2. EXPIRATION: Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. APPROVED USE: The approved use is for a restaurant with alcohol service at 49 and 51 N. Santa Cruz Avenue.
4. IMPROVEMENTS AND USE AT 49 N. SANTA CRUZ: The additional tenant space located at 49 N. Santa Cruz Avenue shall be improved as shown on plans noted as received by the Town on May 25, 2011.
5. HOURS OF OPERATION: Maximum hours of operation are 10:00 a.m. to 1:00 a.m., Sunday to Thursday; and 10:00 a.m. to 2:00 a.m., Friday, Saturday, holidays, and evenings before holidays.
6. ENTERTAINMENT: Entertainment is permitted in compliance with the Town's Entertainment Policy.
7. UTENSILS: All meals served on-site shall be on re-usable utensils.
8. SIGN PERMIT: A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
9. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy from the Los Gatos Community Development Department must be obtained prior to commencement of use.
10. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department shall be maintained throughout the duration of the approved use.
11. DELIVERIES: Deliveries shall be limited to the hours of 9:00 a.m. to 7:00 p.m.
12. TRASH AND RECYCLING DISPOSAL HOURS: Trash and recycling from the business shall only be emptied between 9:00 a.m. and 9:00 p.m. to limit the noise impacts.
13. COMMUNITY BENEFIT: The applicant has offered the following community benefit to offset traffic impacts created by the proposed project: two public benches to be placed downtown to the satisfaction of the Director of Parks and Public Works. The benches

shall remain and be maintained throughout the duration of this Conditional Use Permit.

14. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.